

REMARKS

The present application was filed on February 19, 2002 with claims 1-18. Claims 1-18 remain pending. Claims 19-29 have been added. Claims 1, 12, 18 and 29 are the pending independent claims.

In the outstanding Office Action dated July 16, 2003, the Examiner: (i) rejected claims 1-9, 12, 14-16 and 18 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,480,103 to McCarthy et al. (hereinafter "McCarthy"); (ii) rejected claims 10, 13 and 17 under 35 U.S.C. §103(a) as being unpatentable over McCarthy; and (iii) rejected claim 11 under 35 U.S.C. §103(a) as being unpatentable over McCarthy in view of U.S. Patent No. 6,496,117 to Gutta et al. (hereinafter "Gutta").

In response to the rejections, claims 1, 12, 13 and 18 have been amended, and claims 19-29 have been added.

With regard to the rejection of claims 1-9, 12, 14-16 and 18 under 35 U.S.C. §102(e) as being anticipated by McCarthy, Applicants assert that such claims are patentable for at least the reasons that independent claims 1, 12 and 18, from which claims 2-9 and 14-16 directly or indirectly depend, are patentable. McCarthy discloses a system for generating a control signal that notifies operators of a vehicle that there is a person trapped in the trunk of the vehicle. The control signal may also actuate a lamp and a trunk release.

Independent claims 1, 12 and 18 of the present invention have been amended to more clearly set forth that the processing device of the situation controller is capable of defining situations in the vehicle through item identification data, item position data, and item action data. Support for these amendments can be found on page 5, lines 3-14 and page 7, lines 19-24. The specification discloses the recognition of objects and their environments. Further, image processing determines what an image represents, the position of the image, and the track the image takes in a space continuum.

The invention defined by independent claims 1, 12 and 18 differs from that of McCarthy for the reasons discussed below. The present invention may deal with more complex situations consisting of several factors. These complex situations are based on complex recognition techniques and may use three sets of data; item identification data, item position data, and item action data. This

permits the present invention “to analyze more complicated situations, such as, for example, a situation wherein the key 106 is removed from the automobile’s ignition and is placed in a purse or bag 113, and then bag 113 is left in the vehicle,” Specification, p. 5, lns. 12-14. McCarthy is not capable of defining of a situation in a vehicle through item identification data, item position data, and item action data. Instead, McCarthy discloses a system that detects humans or animals in a trunk of a car. Accordingly, withdrawal of the rejection to claims 1-9, 12, 14-16 and 18 under 35 U.S.C. §102(e) is therefore respectfully requested.

With regard to the rejection of claims 10, 13 and 17 under 35 U.S.C. §103(a) as being unpatentable over McCarthy, Applicants assert that such claims are patentable for at least the reasons that independent claims 1 and 12, from which claims 10, 13 and 17 directly or indirectly depend, are patentable. The patentability of claims 1 and 12 is described above. Accordingly, withdrawal of the rejection to claims 10, 13 and 17 under 35 U.S.C. §103(a) is respectfully requested.

With regard to the rejection of claim 11 under 35 U.S.C. §103(a) as being unpatentable over McCarthy in view of Gutta, Applicants assert that the claim is patentable for at least the reasons that independent claim 1, from which claim 11 directly depends, is patentable. The patentability of claim 1 is described above. Accordingly, withdrawal of the rejection to claim 11 under 35 U.S.C. §103(a) is respectfully requested.

Dependent claims 19-28 have been added and describe additional elements of the present invention described in the specification. Claim 29 is an independent claim incorporating the limitations of original claims 1 and 2. Claim 29 recites a means for communicating a message comprising an interactive communication system. The interactive communication of the invention differs from McCarthy in that the invention is not only capable of sending a message to someone, it is also capable of receiving a reply message. This interaction can be performed remotely or from within the vehicle. McCarthy does not disclose interaction, instead McCarthy only discloses the sending of a message to a driver. Therefore, Applicants believe that new claims 19-29 are patentable.

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In view of the above, Applicants believe that claims 1-29 are in condition for allowance, and respectfully request withdrawal of the §102(e) and §103(a) rejections.

Respectfully submitted,



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